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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 MARION C. STARKS,  
8 Petitioner,

9 v.

10 MICHAEL HENESSEY,  
11 Respondent.  
12

Case No. [18-cv-01456-PJH](#)

**ORDER DISMISSING PETITION**

Re: Dkt. No. 5

13 Petitioner, a former California prisoner, filed a pro se petition for a writ of habeas  
14 corpus pursuant to 28 U.S.C. § 2254. Court records indicate that petitioner filed an  
15 earlier petition with the same claims. *See Starks v. Hennessey*, No. 18-cv-0683 PJH.  
16 That petition was dismissed with leave to amend. To the extent the petition in this case  
17 was meant to be an amended petition in the earlier case, the court will address that in the  
18 earlier case. This case is **DISMISSED** as duplicative. *See Adams v. Cal. Dept. of Health*  
19 *Services*, 487 F.3d 684, 688 (9th Cir. 2007). The motion to proceed in forma pauperis  
20 (Docket No. 5) is **GRANTED**. A certificate of appealability is **DENIED**.

21 **IT IS SO ORDERED.**

22 Dated: April 2, 2018  
23  
24



25 PHYLLIS J. HAMILTON  
26 United States District Judge  
27  
28

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 MARION C. STARKS,  
4 Plaintiff,

5 v.

6 MICHAEL HENESSEY,  
7 Defendant.  
8

Case No. [18-cv-01456-PJH](#)

**CERTIFICATE OF SERVICE**


9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on April 2, 2018, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Marion C. Starks  
18 150 Otis Street, Apt. 609  
San Francisco, CA 94103

19  
20 Dated: April 2, 2018  
21

22 Susan Y. Soong  
23 Clerk, United States District Court

24 

25 By: \_\_\_\_\_  
26 Kelly Collins, Deputy Clerk to the  
27 Honorable PHYLLIS J. HAMILTON  
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